

REMARKS

I. April 19, 2005 Interview

Applicants thank Examiners Hama and Voitach for the courtesy of an in-person interview on April 19, 2005. The substance of that interview was noted in the Interview Summary filed April 20, 2005. This Supplemental Amendment responds to certain of the Examiners' suggestions made at that interview regarding the term "variant."

II. Status of Claims

Claims 1-5, 12-14, 17, 20-26, and 36-53 are pending following entry of the Amendment and Request for Reconsideration filed March 18, 2005. In this supplemental response, Applicants have amended claims 1, 17, 20, and 23 to delete the term "variant." This amendment is, therefore, fully supported in the original claims and adds no new matter.

Applicants again note that claims 36-39 are process claims which depend from elected product claims. Applicants respectfully request that upon finding the product claims allowable, the Office rejoin and fully examine method claims 36-69, as required by rejoinder practice under M.P.E.P. § 821.04. Claims 1-5, 12-14, 17, 20-26, and 40-53 are under consideration.

III. Rejections Under 35 U.S.C. § 112-1 Regarding the Term "Variant"

In the Office Action mailed December 21, 2004, the Office rejected claims 1-11, 17, 18, 20-22, 24, and 25 under 35 U.S.C. § 112, first paragraph, because according to the Office the "specification does not teach how to make a variant or fragment of SEQ ID NO. 1 such that it functions as an IRES." Office Action, page 8. The Office further alleged that variants, fragments, and homologs of SEQ ID NO. 1 were not adequately

described in the specification, so that claims 1-6, 8-18, 20-27, 29-31, and 33-35 lacked adequate written description under 35 U.S.C. § 112, first paragraph. *Id.* at 10-11.

Applicants' traversal of those rejections is set forth in the response filed March 18, 2005. However, solely to expedite prosecution, Applicants have amended the claims to delete the term "variant." Applicants respectfully submit this amendment obviates the rejections of record under 35 U.S.C. § 112, first paragraph, with respect to that term.

IV. Conclusion

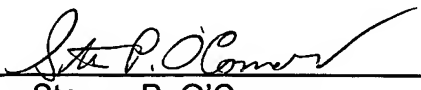
Because this Supplemental Amendment simplifies the issues before the Examiner and adopts in part suggestions made by the Office during the interview held April 19, 2005, Applicants respectfully request its entry and reconsideration and reexamination of this application. The Examiner is invited to contact the undersigned should she have any questions regarding this response.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: April 26, 2005

By: 
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